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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,039	10/31/2003	Kazuki Emori	SHO-0033	8366
23353 7590 11/28/2007 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER HARPER, TRAMAR YONG	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

CT

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/697,039		EMORI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tamar Harper		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

The finality of the office action dated 05/10/07 has been withdrawn. Examiner acknowledges receipt of amendment/arguments filed 10/25/07. The arguments set forth are addressed herein below. Claims 1 and 4-28 are pending & Claims 2-3 have been cancelled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 & 4-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matayoshi (JP 2002-035209 A) in view of Susumu (JP 11-156001 A)**

**Claims 1, 4, 11-12, 13, 19-21, & 28:** Matayoshi discloses an internal lottery gaming machine or pachinko/slot machine (§ 45, Fig. 1) that comprises of a cabinet having a front surface (5) with a recess formed therein (30 speaker area). **The recess defined by a recess bottom wall (Fig. 4 (32)) and a stepped down wall (side walls Fig. 4) extending generally perpendicularly to the front surface and the recess bottom wall (§ 10, Figs. 1, 2, 4).** There are various LED's disposed away from the speaker that are configured to emit light (Fig. 4 (40)). Furthermore there is an attachable/detachable wrap-covering object provided for covering the speaker and lighting devices (§ 11, Fig. 4).

**Matayoshi discloses a speaker disposed within front of the recess (Fig. 4), but fails to disclose a speaker disposed in the recess through the bottom wall such that sound is outputted to the front direction of the cabinet. However, applicant has failed to disclose that having the speaker mounted through the bottom wall of the recess solves a particular problem or provides a specific advantage. Furthermore, one of ordinary skill in the art would expect the speaker within the front of the recess, as taught by Matayoshi, or the applicant's invention to perform equally well because both perform the same function of providing a speaker in a position such that sound is outputted to the front direction of the gaming cabinet. Therefore, it would have been prima facie obvious to modify Matayoshi to obtain the invention specified in Claim 1 (specifically speaker through the bottom recess wall) because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Matayoshi.**

Matayoshi discloses the LED's (40) in various locations as illustrated in Figs. 5-11, but fails to disclose the LED's arranged on the stepped down wall on the speaker recess. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the LED's such that they were located on a side wall between the covering object and speaker, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Furthermore, Matayoshi fails to disclose the covering object having an inner surface with various asperities for diffusing and reflecting light. However, Susumu

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discloses a light display system with lens cover that comprises of various shapes such the diamond cut and spherical surface cut. Susumu discloses that such a configuration provides an improved ornament effectiveness and cubic effect (Fig. 1, ¶ 2-4). It would have been obvious to one of ordinary skill in the art to modify the lens cover of Matayoshi with the inner face asperities of Susumu to provide a means for reflecting and diffusing light more effectively (Susumu ¶ 2-4). Such a modification, gives the player an impression that the full face of the lens cover emits light uniformly.

**Claims 7, 15, & 24:** Matayoshi discloses that the cover comprises of several slits (53a, 54a, 58b (holes)) for freeing emitted sound from the speaker device (¶ 40-2, Fig. 7).

**Claim 9:** The speaker itself is of a cone type shape and is part of the recess bottom wall.

**Claims 8-9, 16-17, & 25-26:** Susumu discloses using various stepped shapes in the surroundings of the light source for reflecting and diffusing light (Fig. 1). Furthermore, Susumu discloses that the stepped shapes comprise of star-like reflectors (¶ 6), which inherently indicates some sort of mirror finish, for helping to diffuse and reflect the light within the system. Therefore, in combination the above implies that the surroundings of Matayoshi including the recess bottom wall includes such asperities or shapes made up of mirror like finishes, as taught by Susumu when considered in combination.

**Claims 10, 18, & 27:** Matayoshi discloses that the lights are substantially in parallel with the front surface of the cabinet (Figs. 4-5, 11 LEDS (40)).

**Claims 5-6, 13-14, & 22-23:** The combination of Matayoshi in view of Susumu discloses a cover with asperities on the inner wall and a plurality of wholes for freeing

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emitted sound from the speaker device (see above). The combination fails to disclose the cover that includes a cover top wall facially opposing the recess bottom wall and a ring portion, the cover top wall having a hole formed through it, the ring portion defining an opening and connected to the cover top wall such that, when the detachable cover connected to the front surface of the cabinet, the ring portion projects into the recess and surrounds the sound output device to expose the sound output device through the hole and the opening. Furthermore, the ring portion having an inner circumferential wall and an outer circumferential wall having continuous asperities formed thereon.

However, Applicant has failed to disclose that the above structure solves a particular problem or provides a particular advantage. One of ordinary skill in the art furthermore, would of have expected the cover of Matayoshi in view of Susumu, and applicant's invention, to perform equally well with the structure as taught by Matayoshi in view of Susumu or the claimed cover structure because both perform the same function of providing a means for sound to transmit through the cover and a means for light to transmit indirectly through the cover. Therefore, it would have been prima facie obvious to modify Matayoshi in view of Susumu to obtain the invention as specified in Claims 5-6, 13-14, and 22-23 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Matayoshi in view of Susumu.

### ***Response to Arguments***

Applicant's arguments filed 10/25/07 have been fully considered but they are not persuasive. The previous rejection has been amended/clarified to address the argued

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limitations, specifically the references in combination disclosing a speaker through a recess bottom wall and a led/light structured defined on a stepped down wall of the recess (see above).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**JP 1-132192 (IDS submitted) discloses a speaker in a recess portion with lights on a sidewall of the recess portion.**

**JP 11-342247 discloses a similarly structured gaming machine.**

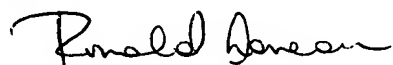
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Patent Examiner  
Art Unit 3714

TH

11/05/07